

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CALEB WHITFIELD,	:	
	:	
Plaintiff,	:	
	:	Case No. 3:23-cv-23
v.	:	
	:	Judge Thomas M. Rose
CORRECTION OFFICER GUSTAVE, <i>et al.</i> ,	:	
	:	Magistrate Judge Karen L. Litkovitz
Defendants.	:	
	:	

**ENTRY AND ORDER DISMISSING CASE FOR WANT OF PROSECUTION
DUE TO PLAINTIFF’S FAILURE TO COMPLY WITH THE JANUARY 25,
2023 ORDER**

On January 23, 2023, Plaintiff Caleb Whitfield (“Whitfield”) filed a Complaint. (Doc. No. 1.) On January 25, 2023, Magistrate Judge Karen L. Litkovitz issued a Deficiency Order that stated, in part:

[P]laintiff has not paid the \$402.00 filing fee or requested leave to proceed *in forma pauperis* so that he may file this action.

...

Plaintiff is therefore **ORDERED** to pay \$402 (\$350 filing fee plus \$52 administrative fee) or submit to the Court an *in forma pauperis* application and certified copy of plaintiff’s prison trust fund account statement (or institutional equivalent) for the preceding six-month period **within thirty (30) days** of the date of filing this Order.

If plaintiff fails to comply with this Order, the Court shall dismiss this case for want of prosecution. *In re Prison Litigation Reform Act*, 105 F.3d 1131 (6th Cir. 1997). If plaintiff’s case is dismissed for failure to comply with this Order, the case will not be reinstated to the Court’s active docket despite the payment of the filing fee. *Id.*

Any motions for extension of time must be filed within **thirty (30) days** of the date of filing this Order. All motions for extension of time must be accompanied by a notarized statement or declaration complying with 28 U.S.C. § 1746 setting forth the date plaintiff placed the motion in the prison mail system and stating that first class postage was prepaid. If plaintiff does not receive this Order within thirty (30) days, his motion for extension of time must also be accompanied by a notarized statement or declaration complying with 28 U.S.C. § 1746 setting forth the date he received this Order.

More than thirty days have now passed since Judge Litkovitz filed the Deficiency Order. Whitfield neither paid the \$402 nor submitted to the Court an *in forma pauperis* application and certified copy of plaintiff's prison trust fund account statement (or institutional equivalent) for the preceding six-month period. Therefore, Whitfield failed to comply with the Deficiency Order. In accordance with the Deficiency Order, the Court dismisses this case for want of prosecution.

Accordingly, the Court **ORDERS** that this case is **DISMISSED** for want of prosecution due to Whitfield's failure to comply with the January 25, 2023 Deficiency Order. The Clerk of Court is **DIRECTED** to terminate this case on the Court's docket and serve Whitfield with a copy of this Order.

DONE and **ORDERED** in Dayton, Ohio, this Monday, February 27, 2023.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE